

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MUHAMAD ALY RIFAI, M.D.,

Plaintiff,

v.

CMS MEDICAL CARE CORPORATION,  
GNADEN HUETTEN MEMORIAL HOSPITAL,  
and ANDREW E. HARRIS,

Defendants.

CIVIL ACTION  
NO. 15-1395

**ORDER**

**AND NOW**, this 21<sup>st</sup> day of September, 2017, upon consideration of Defendants' Motion for Summary Judgment (Docket No. 56) and Memorandum of Law in support, as well as Plaintiff's opposition thereto and Defendants' Reply, and upon consideration of Defendants' Motion to Amend Answer to Amended Complaint (Docket No. 64), Plaintiff's opposition thereto, and Defendants' Reply, and after oral argument being held on all motions, it is hereby **ORDERED** as follows:

1. Defendants' Motion for Summary Judgment (Docket No. 56) is **GRANTED** in part and **DENIED** in part;
2. Defendants' Motion is **GRANTED** as to Plaintiff's ADA claim, and Count V is dismissed from the Amended Complaint;
3. Defendants' Motion is **GRANTED** to the extent it seeks summary judgment as to all claims against Defendant Gnaden Huetten Memorial Hospital, and Gnaden Huetten Memorial Hospital is dismissed as a defendant in this matter;
4. Defendants' Motion is **DENIED** as to Plaintiff's Title VII, breach of

contract and Wage Payment and Collection Law claims;

5. Defendants' Motion to Amend Answer to Amended Complaint

(Docket No. 64) is **GRANTED** and Defendants shall be permitted to amend their answer to Plaintiff's WPCL claim.

**BY THE COURT:**

/s/ Jeffrey L. Schmehl  
**Jeffrey L. Schmehl, J.**